

MEMORANDUM

TO: Service List

FROM: William H. Stevens, Jr., Hearing Officer

RE: Petition of the City of Cambridge, D.T.E. 04-65 - Revised Procedural Schedule

DATE: November 10, 2004

CC: Mary Cottrell, Secretary
Staff as assigned

On November 3, 2004, in response to a joint request filed by the City of Cambridge (“Cambridge” or “City”) and Cambridge Electric Light Company (“CELC” or “Company”), I established a procedural schedule in this proceeding. On November 5, 2004, CELC filed a request to extend the procedural schedule by approximately one month due to scheduling conflicts with the Company’s witness (“Extension Request”). The City assented to this request. I find that the Company has stated good cause for extension of the schedule. The procedural schedule will be as follows:

December 3, 2004	Deadline for Cambridge and the Company to issue discovery;
December 17, 2004	Deadline for Cambridge and the Company to file responses to discovery;
January 10, 2005	Deadline to submit pre-filed testimony (subject to the conditions noted below);
January 12, 2005	Cambridge and CELC to file joint proposed exhibit list;
January 14, 2005	Dispute resolution hearing, commencing at 10:00 am in Hearing Room A at the Department’s offices;
January 21, 2005	Deadline to file simultaneous initial briefs;
January 28, 2005	Deadline to file simultaneous reply briefs.

Pursuant to G.L. c. 164, § 34A, the City has requested that the Department resolve its dispute with CELC as to “the method used by the Company to calculate the \$1.7 million purchase price [of Cambridge Streetlights] as of 12/31/03” (Cambridge Amended Petition at ¶¶ 20, 22, 23; Exh. NSTAR-1). Any agreement between the City and CELC made “in connection with [this procedural] schedule modification” and as a “result of the Department’s order in this proceeding” is outside the scope of this proceeding (Extension Request at 2, n.2). See Petition of the City of Waltham, D.T.E. 02-11, at 4, n.4 (2002).

This proceeding shall be conducted in accordance with the provisions of G.L. c. 164, § 34A, 220 C.M.R. §§ 1.00 et seq., and the Ground Rules distributed on September 20, 2004. Pre-filed testimony will be limited to: (1) rebuttal testimony addressing previously-filed testimony, affidavits and exhibits; and (2) testimony rebutting discovery responses. The form, content, filing and service of briefs shall be consistent with 220 C.M.R. § 1.11.